



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,470	02/12/2002	Hiroki Shinohara	343398	4113

116 7590 07/27/2006

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,470

Applicant(s)

SHINOHARA, HIROKI

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/02:1/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 10 and 12 are objected to because of the following informalities:

With respect to claim 10, line 2, it appears the phrase "said program control information..." should be changed to "said update information..." in order to provide a proper antecedent basis for the claim limitation, since the phrase "program control information" is not recited in claims 1-4.

With respect to claim 12, line 5, it appears the phrase "said program control information..." should be changed to "said update information..." in order to provide a proper antecedent basis for the claim limitation, since the phrase "program control information" is not recited in claims 1-4.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claim 25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 25, lines 13 and 15, the phrase "and the like" should be deleted. It is an open-ended limitation, has no range and does not convey any clear meaning to one of ordinary skill in the art.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemmons et al (6,442,755).

As to claim 1, note the **Lemmons** reference figures 1-2, discloses electronic program guide (EPG) using markup language and further discloses a transmission system (10), comprising:

Program scheduling information acquiring means (Main Facility 'MF' 12) for acquiring program scheduling information from an externally-provided program scheduling information providing firm and a broadcasting network (col.3, lines 3-31), note that MF receives EPG data, other program listings information for additional services, e.g., weather information, associated Internet web links, HTML, DHTML, XML, computer software, etc. provided from various networks, note further that EPG data comprising, program listings, 'e.g., program times, channels, titles, descriptions, program type, theme, pre-defined or user pre-defined criteria col.3, lines 20-25 and

Art Unit: 2623

col.5, line 60-col.6, line 5,' still image, moving picture, audio, text, etc., col.9, lines 8-35 and line 36-col.10, line 16);

Program scheduling information encoding means (Television Distribution Facility 'TV-DF 16') for encoding the acquired program scheduling information in accordance with a designated encoding method and transfer means for transferring the coded data (col.3, lines 3-25, line 42-col.4, line 13 and lines 51-67), note that the TV-DF 16 encodes each data: the EPG data, the text, description, still images, video, web links, HTML, DHTML, XML, applications or control information, etc., and transmits in a continuous stream or at a suitable time interval to User TV Equipment (User-TVE) 22, which may extract the data on the fly as needed to display the data in its format.

As to claim 2, Lemmons further discloses where the designated encoding method is a encoding method for controlling a display (col.5, lines 21-50 and col.6, line 51-col.6, line 20).

Claim 3 is met as previously discussed with respect to claim 1.

As to claim 4, Lemmons further discloses transmitting update information and updating in real time (col.7, lines 10-25 and col.8, lines 1-9).

As to claim 5, Lemmons further discloses an information providing unit, for providing the coded information to a network (TV-DF network 20) other than the broadcast network (Network 18, col.3, lines 3-31).

Claim 6 is met as previously discussed with respect to claim 1.

As to claims 7-8, **Lemmons** discloses a receiver (User TV Equipment 'User-TVE' 22), comprising:

A program scheduling information receiving means (User-TVE 22 Receiver Control Circuitry, col.4, lines 24-26 and col.5, lines 21-50) for receiving program scheduling information and program scheduling information displaying means (TV-36 or Monitor 45) for displaying the received data (figs. 4-6, col.6, 6-41 and lines 51-63)

Storage means (Digital Storage Device 'DSD' 31) for storing there into both program scheduling information and program control information which is updated in real time (col.3, lines 53-65, col.4, line 40-col.5, line 3, col.7, lines 10-25 and col.8, line 1-9);

Merging means (Control Circuitry 'CC' 42) for merging the stored program control information with the stored program scheduling information to thereby produce a new program scheduling information (figs.4-6, 8-9, col.5, line 34-col.6, line 5, line 51-col.7, line 47), note that CC-42 extracts the data on the fly as needed and generates and EPG display screens with display elements at positions, format and with styles that are indicated by the markup language documents and furthermore if a user indicates a desire to view EPG, the guide generates an appropriate program listings screen containing one or more programs organized according to multiple organization criteria and sorted in various ways.

As to claim 9, Lemmons further discloses a program control information receiving means (CC-42) for receiving the program control information, which is updated in real time (col.7, lines 10-25 and col.8, lines 1-9).

As to claim 10, Lemmons further discloses a transmission system where the update information corresponds to at least a program content, a program starting time

instant, and program duration, which is updated (col.3, lines 20-31, col.7, lines 10-25 and col.8, lines 1-9).

Claim 11 is met as previously discussed with respect to claim 10.

As to claim 12, Lemmons further discloses a transmission system where the program scheduling information encoding means for generating link information in a relationship between the update information and the program scheduling information is described and transfer means for transmitting the link information (col.7, line 10-47).

As to claim 13-14, Lemmons further discloses where the receiver comprises program table generating/display means (CC-42/TV display) for generating a program table from program control information and for displaying the produced program table (figs.5-7, col.6, line 51-col.7, line 13, line 26-col.8, line 1+ and col.9, lines 7-65), where both the program scheduling information (PSI) and the program table are displayed in conjunction with each other by display control means for managing a relationship between the program control information and the PSI based upon the link information so as to control displays of the PSI and the program table (figs.5-7, col.6, line 51-col.7, line 13, line 26-col.8, line 1+ and col.9, lines 7-65).

Claim 15 is met as previously discussed with respect to claim 4.

Claim 16 is met as previously discussed with respect to claims 7-8.

As to claim 17-18, Lemmons further discloses where the receiver acquires the PSI from at least the least one of the broadcasting network, the operated storage apparatus and the network, and where the latest PI is continuously provided by that where the program control information is received in real time, both the program

Art Unit: 2623

information and the program control information are united to be displayed (col.3, line 53-col.4, line 13, col.5, line 21-50, line 61-col.6, line 5, line 51-col.7, line 25).

Claim 19 is met as previously discussed with respect to claim 17-18.

As to claims 20-21, Lemmon further discloses a receiver where the PSI is more than one mono-media, still image, moving picture or voice (figs.6-7 and col.8, lines 10-57).

As to claim 22, Lemmons further discloses where the receiver displays program information related to a program in addition to the program table (figs.5-7, col.6, line 51-col.7, line 9 and col.8, lines 10-57).

As to claim 23, Lemmons further discloses a transmission system where the PSI is constituted by PSI of other media (figs.5-7, col.6, line 51-col.7, line 25 and col.8, lines 10-57).

Claim 24 is met as previously discussed with respect to claim 23.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Lemmons et al (6,442,755)** in view of **Alexander et al (6,177,931)**.

As to claim 25, note the **Lemmons** reference figures 1-2, discloses a transmission system (10), comprising:

A transmission system (Main Facility 'MF' 12) equipped with program scheduling information acquiring means (Program Guide Data Source 14) for acquiring program scheduling information (EPG data comprising, program listings, 'e.g., program times, channels, titles, descriptions, program type, theme, pre-defined or user pre-defined criteria col.3, lines 20-25 and col.5, line 60-col.6, line 5,' still image, moving picture, audio, text, etc., col.9, lines 8-35 and line 36-col.10, line 16) from an externally-provided program scheduling information providing firm and a broadcasting network (col.3, lines 3-31), note that MF receives EPG data, other program listings information for additional services, e.g., weather information, associated Internet web links, HTML, DHTML, XML, computer software, etc. provided from various networks; and transfer means (Television Distribution Facility 'TV-DF 16') for transferring the program scheduling information by way of either a broadcasting network or a communication (CATV or Internet Network 'NW' 20, col.3, lines 42-col.4, line 26)

A receiver (User TV Equipment 'User-TVE' 22) equipped with: program scheduling information receiving means (User-TVE receiver or CC-42, col.3, lines 53-65, col.5, lines 34-50) for receiving the program scheduling from the transmission system (MF-12); program control information receiving means (CC-42) for receiving from a broadcasting network (NW-20), the program control information which describes a program content, program starting time, program duration (col.3, lines 20-41) which is updated in real time (col.3, lines 53-65, col.7, lines 10-25 and col.8, line 1-9) and

Art Unit: 2623

merging means (CC-42, col.5, lines 21-col.6, line 5) for updating the content of the program information based upon the content of the program control information (col.3, lines 53-65, col.7, lines 10-25 and col.8, line 1-9), note that the BS allows an operator to centrally update the display characteristics and functionality of the program guide without user intervention, display characteristics comprises program listings data as discussed above.

Lemmons, teaches transmit a continuously stream of data and where the User-TVE 22 extracts data as needed on the fly and updating the information, but fails to explicitly teach updating in real time due to a special newscast and an extension of a sports broadcasting program.

However, note the **Alexander** reference a television broadcast system, where a user can download EPG and supplemental data from an EPG Internet web sites (col.2, line 62-col.3, line 20) and further updates in real time due to a special newscast and an extension of a sports broadcasting program (col.11, line 64-col.12, line 9).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Alexander into the system of Lemmons to provide real time updates for live or on-going special broadcast events in order enable recording/viewing of the entire live or on-going special broadcast events.

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Lemmons et al (6,442,755)** in view of **Knudson et al (6,536,041)**.

As to claim 26, note the **Lemmons** reference figures 1-2, discloses a broadcasting system (BS-10, fig.1) comprising:

A transmission system (TV distribution facility 'TV-DF' 16) in which link information (figs.7a-10, col.9, lines 8-35 and line 36-col.10, line 16) describing a relationship between a content of program control information (content of update information) and a content of program scheduling information (EPG data comprising, program listings, 'e.g., program times, channels, titles, descriptions, program type, theme, pre-defined or user pre-defined criteria col.3, lines 20-25 and col.5, line 60-col.6, line 5,' still image, moving picture, audio, text, etc., col.9, lines 8-35 and line 36-col.10, line 16) is transferred in connection with the program scheduling information (EPG data) by transfer means; and

A receiver comprising of program table generating/display means (CC-42/TV display or monitor) for generating a program table (update table) from the program control information (update information, col.7, lines 10-25 and col.8, lines 1-9) and for displaying the program table (note that the BS allows an operator to centrally update the display characteristics and functionality of the program guide without user intervention, display characteristics comprises program listings data as discussed above), and control means (CC-42, col.3, lines 53-65 and col.5, lines 21-60) for managing a relationship between program control information and program scheduling information based upon the link information so as to control displays of the program scheduling information and the program table (figs.5-6), where the program scheduling information

Art Unit: 2623

can be displayed in conjunction with the program table (col.3, lines 53-65, col.7, lines 10-47 col.8, lines 1-22 and col.10, lines 32-49).

Lemmons fails to explicitly teach where the program scheduling information can be displayed in conjunction with the program table (updated table).

However, note the **Knudson** reference discloses program guide system (fig.1) with real-time data sources where the program scheduling information can be displayed in conjunction with updated data (figs6-12, 15, 20, 22, 23, col.10, lines 43-61, col.12, line 54-col.13, line 48 and col15, lines 15-53)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Knudson into the system of Lemmons to provide real time updates for live or on-going special broadcast events in order enable recording/viewing of the entire live or on-going special broadcast events.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gordon et al (6,934,965) disclose a system for generating distributing and receiving an interactive user interface.

Wang (6,675,385) discloses HTML EPG for an MPEG digital TV system.

Finseth et al (6,742,184) disclose electronic TV program guide with calendar tool.

Art Unit: 2623

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', written over a horizontal line.

Annan Q. Shang